



Yellowstone County Zoning Commission Minutes for the Meeting of December 13, 2004

The County Zoning Commission met on Monday, December 13, 2004 in the large conference room on the 4th floor of the Parmly Library, 510 North Broadway.

Oscar Heinrich, Chairman, called the meeting to order at 4:00 p.m.

Commissioners and Staff		1/12/04	2/9/04	3/8/04	4/12/04	5/10/04	6/14/04	7/12/04	8/9/04	9/13/04	10/12/04	11/8/04	12/13/04
Oscar Heinrich	Chairman	1	CANCELED	1	1	CANCELED	1	1	CANCELED	1	1	1	1
Jerome Musselman	Vice-Chair	1		1	1		-	1		1	1	1	1
Chuck Hensley	Commissioner	E		1	E		V	V		V	V	V	V
Al Littler	Commissioner	1		1	1		1	1		1	1	1	1
Joan Hurdle	Commissioner	1		1	1		1	1		1	1	1	1
Dennis Cook	Commissioner	-		-	-		-	-		-	1	1	1

Chairman Heinrich introduced the County Zoning Commission members and staff in attendance:

Nicole Cromwell, Planner II/Zoning Coordinator
Karen Miller, Planning Clerk

ANNOUNCEMENTS:

Chairman Heinrich read the following announcements:

Offices will be closed on December 24, 2004 in observation of Christmas,
and December 29, 2004 in observation of the New Year.

County Zoning Commission Meeting January 10, 2005 canceled (no applications received).

PUBLIC COMMENT

There were none.

Approval of Minutes:

Approval of October 12, and November 8, 2004 minutes.

On a motion by Commissioner Hurdle, seconded by Commissioner Musselman, and passed by a 5-0 voice vote, the minutes of October 12, 2004 were approved with the following changes:

On a motion by Commissioner Littler, seconded by Commissioner Cook and passed by a 5-0 voice vote, the minutes of November 8, 2004 were approved with the following changes:

Public Hearings:

Chairman Heinrich reviewed the rules for the procedure by which the public hearings will be conducted. He said the applications heard at this meeting would be forwarded to the BOCC at their meeting of November 23, 2004.

Item #1 Special Review #297

Ms. Cromwell read the legal description and reviewed the staff report with an overhead PowerPoint presentation for the Commissioners and audience. She reviewed the existing surrounding properties while explaining the existing zoning surrounding the subject property. She said staff is forwarding a recommendation of approval and explained the reasons for the staff decision.

REQUEST

A special review to allow an on-premise beer & wine license without gaming in a Highway Commercial zone on property located at Certificate of Survey 2038 Tract 1. The property is located at 6200 South Frontage Road at the Torres Café.

APPLICATION DATA

OWNER:	Quarnburg Farming Corporation
AGENT:	Josephina Quarnburg
CURRENT ZONING:	Highway Commercial
LEGAL DESCRIPTION:	Certificate of Survey 2038, Tract 1
ADDRESS:	6200 South Frontage Road
SIZE OF PARCEL:	2 Acres
EXISTING LAND USE:	Torres Café and residence
PROPOSED LAND USE:	Torres Café with on premise beer & wine

APPLICABLE ZONING HISTORY

Special Review #257: Conditionally Approved May 23, 2000 for a 100 foot telecommunications tower.

Zone Change #303: A zone change from Agriculture Open Space to Highway Commercial on January 13, 1981.

Discussion:

Commissioner Littler asked if approved what time frame did the applicant have to apply to the state.

Ms. Cromwell said the applicant has an application submitted to the state but can choose to withdraw if the special review application is approved.

Chairman Heinrich asked if there was anyone in attendance wishing to speak in favor of or in opposition to Special Review #297.

The public hearing was opened at 4:12 p.m.

Applicant:

Victoria Quarmburg said that her daughter was going into business. She said that they researched business information and through other agencies and the planning department was the only one that was completely honest about the entire process and what options they had with regard to the building location and use. She explained the type of business they were proposing. She explained that the state license restricted the hours and seating for their business and they would prefer to set their own hours. She explained that it is not a bar and do not operate as one.

Commissioner Littler commented on the restrictions the state would be imposing.

Chairman Heinrich asked if there was anyone else in attendance wishing to speak in favor of or in opposition to Special Review #297.

There were none.

The public hearing was closed at 4:20 p.m.

Motion:

On a motion by Commissioner Littler, seconded by Commissioner Hurdle and passed by a 5-0 voice vote, a recommendation for approval of Special Review #297 will be forwarded to the BOCC at their meeting of December 28, 2004.

Other Business:

Discussion and review of draft amended bylaws.

Nicole Cromwell said that the draft bylaws were provided to Dan Schwartz County Attorney to review.

Chairman Heinrich asked if Commissioners could participate in a meeting by phone.

Ms. Cromwell said there are occasions when a phone contact with a Commissioner is necessary to meet the meeting requirements, however there are limitations to that contact. She

said it can only be done when there are no additional submittals or visual aids that the Commissioner on the phone cannot see to influence their decision.

Chairman Heinrich asked if there were any requested changes or additions to the bylaws.

Commissioner Hurdle questioned why the 12 criteria that are used are worded differently than the Zoning Code.

Nicole Cromwell said Dan Schwartz has instructed staff to use the existing version of the 12 criteria until he has researched that answer.

Other Business (2):

Chairman Heinrich said the Board of County Commissioners has asked for a response from the Yellowstone County Zoning Commissioners regarding the possibility of merging the Zoning Commission with the Board of Adjustment or the Planning Board. They would like input and suggestions regarding what the Commissioners feel would be an alternative to having 3 Boards.

The Commissioners discussed several options for merging different city/county boards and commissions.

Commissioner Hurdle suggested that any combining should be with better cooperation between the City and the County. She was against separating the Planning Board into 2 boards.

Commissioner Littler said he felt that it would make more sense to merge the two Zoning Commissions.

Commissioner Hurdle reviewed some of the restructuring ideas that Planning Director Mattix had presented as a proposal to the City Council and Board of County Commissioners. Merging the 2 zoning commissions to have 1 city/county zoning commission and the 2 boards of adjustment to have 1 city/county board was one of the options. There were also options to merge the BOA into the Planning Board or allow the Board of County Commissioners to act as BOA.

Chairman Heinrich said one scenario would be to merge the Board of Adjustment and Zoning Commissions together to avoid having the number of meetings with no quorum. He also suggested discussing turning over the Board of Adjustment Duties to the Board of County Commissioners.

Commissioner Hurdle concurred with Chairman Heinrich that the turning over the Board of Adjustment duties BOCC seemed like a good solution. She also suggested possibility of merging the City and County Board of Adjustment and Zoning Commissions.

Commissioner Littler concurred with Commissioner Hurdle and Chairman Heinrich.

Chairman Heinrich stated that the Board of County Commissioners discussion session is not considered a public meeting because there are no decisions made. He said that he would bring the options discussed back to the BOCC for their review.

Commissioner Hurdle requested a new membership roster.

Commissioner Hurdle asked if the issue with Flak & Flak had been reviewed.

Ms. Cromwell said that had been turned over to Code Enforcement Officer Berg and she has made one site visit. She said she would follow up with Officer Berg and follow up with Commissioner Hurdle

Adjournment:

The meeting was adjourned at 4:46 p.m.

Oscar Chairman Heinrich, Chairman

ATTEST:

Karen Miller, Planning Clerk